IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 293 of 2007 (M/S)

Vinay Kumar Saini (minor), through his father Shri Vikas Kumar S/O Shri Lal Singh, R/O Keshaw Nagar, Society Road, Laksar, District Haridwar.

.....… Petitioner.

Versus

1. State of Uttarakhand through its Secretary, Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital, District Nainital.
2. Shri Anand Bhardwaj, Incharge Flying Squad, presently posted Khand Shiksha Adhikari, Block Narsan, District Haridwar.

…..Respondents.

Sri Ajay Veer Pundir, learned counsel for the petitioner.
Sri N.P.Sah, Standing Counsel & Sri Gopal Narian Srivastava, Brief Holder of the State, learned counsel for the State.
Sri V.K.Bisht, Senior Advocate, assisted by Sri S.Vashist, learned counsel for the respondent no.2.

Dated May 09, 2007.

Hon'ble B.S.Verma, J.

Learned counsel for both the parties are ready to argue the writ petition finally today at admission stage. Heard learned counsel for both the parties and perused the record.

By means of present writ petition, the petitioner has prayed for mandamus of this Court directing the respondent no.1 to decide the Unfair Means (UFM) matter of the petitioner before declaration of the result, with the allegation that the petitioner is a student of K.V. Inter College Laksar, District Haridwar and the centre for Board Examination is Shiksha Raj Inter College Sultanpur Kunhari. The father of the petitioner is a teacher in the said K.V. Inter College and also holds the charge of Laksar Unit of Teachers' Association, therefore, respondent no.2 is inimical to the father of the petitioner. On 29-03-2007 when the petitioner was appearing in the paper of Science and Technology, respondent no.2

reached inside Room No. 15 and snatched the answer-sheet of the petitioner and one other student alleging that both were using unfair means of copying. It is alleged that no unfair means material was found from the person of the petitioner and he was given another answer sheet by the respondent no.2. Therein the petitioner attempted all the questions. The petitioner is alleged to have been implicated in a fake case to ruin his academic career. Hence the writ petition has been preferred. The petitioner has filed supplementary affidavit and along with the affidavit, copy of the representation dated 5.4.2007 made by the father of the petitioner to the Secretary, Education and Examination, Ramnagar, Nainital has been annexed.

In the facts and circumstances of the case without entering into the merit and considering the submissions made by learned counsel for both the parties, the petitioner is given liberty to make a fresh representation before the respondent no.1 within a period of two weeks from today. If the representation is made, the Secretary Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital, (respondent no.1) shall take decision on the presentation of the petitioner before 30-06-2007.

With the above observation, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S.Verma, J.)

RCP